

AMENDED IN SENATE JUNE 13, 2006

AMENDED IN ASSEMBLY MAY 1, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 2404

**Introduced by Assembly Member Klehs
(Coauthor: Assembly Member Evans)**

February 23, 2006

An act to add Section 7550.7 to the Government Code, relating to state reports.

LEGISLATIVE COUNSEL'S DIGEST

AB 2404, as amended, Klehs. State government: reports: declarations.

(1) Existing law generally sets out the requirements for the submission of written reports by public agencies to the Legislature, the Governor, the Controller, and state legislative and other executive entities.

This bill would additionally require any of these written reports required to be submitted by any state agency, board, or commission and specified reports required to be submitted to the Controller by any city, county, city and county, or transit district, to include a signed statement by the head of the agency, the chair of the board or commission, or the officer of the local agency, except as specified, declaring under penalty of perjury, that the contents of the report are true, accurate, and complete to the best of his or her knowledge. By expanding the scope of the existing crime of perjury, this bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 7550.7 is added to the Government
2 Code, to read:

3 7550.7. (a) (1) Notwithstanding any other provision of law,
4 every written report, as defined in paragraph (2) of subdivision
5 (a) of Section 7550.5, required to be submitted to the Legislature
6 by any state agency, board, or commission, shall include a signed
7 statement by the head of that agency, or chair of the board or
8 commission, as described in subdivision (b), declaring under
9 penalty of perjury that the contents of the report are true,
10 accurate, and complete to the best of his or her knowledge.

11 (2) In the case of a board or commission whose chair is subject
12 to paragraph (1), as described in subdivision (b), if the board or
13 commission has an executive officer or executive director, the
14 signed statement described in paragraph (1) shall be made by the
15 executive officer or executive director.

16 (3) With respect to the Franchise Tax Board, the signed
17 statement described in paragraph (1) shall be made by the
18 executive officer of that board, and with respect to the State
19 Board of Equalization, the statement shall be made by the
20 executive director of that board.

21 (b) Paragraph (1) of subdivision (a) shall apply only to those
22 individuals appointed by the Governor and confirmed by the
23 Senate. ~~It shall not be construed to apply to any elected official of~~
24 ~~the state, or any official whose duties are prescribed by the~~
25 ~~California Constitution.~~

26 (c) Notwithstanding any other provision of law, every written
27 report required to be submitted to the Controller pursuant to the
28 following provisions shall include a signed statement by the
29 officer of the local agency, declaring under penalty of perjury,

1 that the contents of the report are true, accurate, and complete to
2 the best of his or her knowledge:

3 (1) Reports submitted by a city, county, city and county, or
4 transit district pursuant to Section 53891.

5 (2) Reports submitted by a city, county, or city and county
6 pursuant to Section 2151 of the Streets and Highways Code.

7 (3) Reports submitted by a transit district pursuant to Sections
8 99243 and 99406 of the Public Utilities Code.

9 (d) Any person who declares as true any material matter
10 pursuant to this section that he or she knows to be false is guilty
11 of a misdemeanor, punishable by a fine not exceeding five
12 thousand dollars (\$5,000), by imprisonment in a county jail not
13 exceeding six months, or by both that fine and imprisonment.

14 SEC. 2. No reimbursement is required by this act pursuant to
15 Section 6 of Article XIII B of the California Constitution for
16 certain costs that may be incurred by a local agency or school
17 district because, in that regard, this act creates a new crime or
18 infraction, eliminates a crime or infraction, or changes the
19 penalty for a crime or infraction, within the meaning of Section
20 17556 of the Government Code, or changes the definition of a
21 crime within the meaning of Section 6 of Article XIII B of the
22 California Constitution.